

[The Trial of Oliver Lee]

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Nov 17, 1938

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The Trial of Oliver Lee for the Murder of Col. Fountaine

In 1901 a jury was selected in Hillsboro, Sierra County, New Mexico to hear the case of Oliver Lee, Bob Railey, and Jim Gillon for the murder of Colonel-. Fountaine who was murdered February 1896 by three unknown men, the above three were tried on circumstantial evidence.

The members of the jury that I remember were: Martin Lumin, President Johnnie May, Secretary, H.F. Chafez, interpeter, and Sam Bernard, I do not [?] remember the names of the others on the jury.

The case was changed from Las Cruces, Dona Ana County, New Mexico as the feeling ran very much against the men who was being tried as Colonel -.-. [Fountaines?] was a man [?] at [that?] was highly respected in Las Cruces.

The case as I heard [itn?] was as following;

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Colonel Fountaine in January of 1896 was called to Lincoln, [?] County as Prosecuting Attorney, to the case of trying some cattle rustlers, who had been jailed at that place. Before Col. Fountaine left Las Cruces, he was warned to not take the case as it seemed that such men as Oliver Lee, an important cattle man of New Mexico, A.B. Falls a mine operator and cattle man, did not wish the case to be tried. Why? We were never able to uncover this fact. Oliver Lee served in later as representaive representative from, —— county and is still considered a leading cattle man in New Mexico, now living at—— New Mexico. C. 15 N. Mex.

When Colonel Fountaine started for Lincoln, County his wife ——(Morales) Fountaine, who was raised as far as I know in Old Mesilla, Done Ana County, requested the Colonel to take their son, Henry, age nine with him to Lincoln in hopes that whoever was threatening the 2 Colonel would not bother him if he had the child with him.

On the return trip from Lincoln, Colonel Fountaine met Satterona Barela, mail carrier, from [Tulsaessa?], [??] that he was being followed that he was being followed, but he didn't have an idea who it was, and after Sattarona Barela went on his route he [wsaw?] several men, who appeared to be cow boys coming, but they turned out of the road before they met the carrier and went around him coming back into the road a mile [or?] so farther on down the road [?] there by providing that they did not wish to be recognized.

Colonel Fountaine was killed between San Augustine and [Agua Blanca?], at least that was where his buckboard was found by a posse When the Colonel did not return at the time that [was?] set for his return, his wife became worried and sent out an alarm that the Attorney had not returned. The buckboard was found, and the foot prints of men around it where the horses had been unhitched, the bodies tied on the horses and these horses were followed by three other mounted horses. These horses went toward the [Sacoremento?] Mountains, but they could not be [traid?] successfully so the bodies were never found.

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Soon after the death of the Colonel a warrant was made out for the arrest of Oliver Lee, who disappeared and was not heard of for over a year. In 189- Oliver Lee came to Las Cruces and gave himself up.

As there [wasn't?] anything but circumstantial evidence we could not find the men guilty even though the Grand Jury indicted the above mentioned men. It was [knoen?] that there was hard feelings between the parties, but there was not enough evidence to make a real cage. A.B. Falls was drawn into the case many believing that Mr Falls had the murder done, but this was another thing that was only belief. [Nashy?] said that Mr Falls committed the deed, but this was impossible as Mr Falls proved that he left Gold Dust, thirty-five miles from Las Cruces 3 and went Las Cruces on the day that Colonel Fountaine was killed, [therefore?] it would have been impossible for him to be on the other side of San Augustine in the Organ Mountains.

It has always been hard for me to believe that Oliver Lee could have had anything to have done with the murder, but for the other men [they were?] the type. Men that were gun men that lived the life of out- laws.

Colonel Fountaine was from Texas, and I understand he was at one time a political leader in the state. He was recognized as a brilliant man and a leader in Las Cruces.

— H.F. Chavez, age 60 was born in Santa Fe, New Mexico His father Manuel Chavez came to Santa Fe, N.M. from Louisana, the family having settled in the Louisana Territory many years ago. When H.F. Chavez was a young boy his parents moved to Las Cruces.